



**Service of Process
Transmittal**

09/03/2020
CT Log Number 538193804

TO: Rosemary Jones
Brookshire Grocery Company
1600 W Southwest Loop 323
Tyler, TX 75701-8500

RE: **Process Served in Louisiana**

FOR: Brookshire Grocery Company (Domestic State: TX)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: MONIQUE BEVERLY FRANCIS, PLTF. vs. BROOKSHIRE GROCERY COMPANY, ETC., ET AL.,
DFTS.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # 00136397

NATURE OF ACTION: Personal Injury - Failure to Maintain Premises in a Safe Condition

ON WHOM PROCESS WAS SERVED: C T Corporation System, Baton Rouge, LA

DATE AND HOUR OF SERVICE: By Process Server on 09/03/2020 at 09:00

JURISDICTION SERVED: Louisiana

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 09/03/2020, Expected Purge Date:
09/08/2020

Image SOP

Email Notification, Rosemary Jones rosemaryjones@brookshires.com

Email Notification, Melani Crawford melanicrawford@brookshires.com

SIGNED: C T Corporation System

ADDRESS: 1999 Bryan Street
Suite 900
Dallas, TX 75201

For Questions: 866-665-5799
SouthTeam2@wolterskluwer.com

Page 1 of 1 / AS

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CITATION

MONIQUE BEVERLY FRANCIS

VERSUS

**BROOKSHIRE GROCERY COMPANY, ET
AL**

**Case: 00136397
Division: C
State of Louisiana
16th Judicial District Court
Parish of Iberia**

**To: BROOKSHIRE GROCERY COMPANY
D/B/A SUPER 1 FOODS
THROUGH ITS AGENT
C T COPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816**

of EAST BATON ROUGE Parish

You are hereby summoned to comply with the demand contained in the **PETITION** of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, the 16th Judicial District Court in and for the Parish of Iberia, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE AT NEW IBERIA, LOUISIANA, THIS
05 DAY OF AUGUST, 2020.

Clerk of Court
16th Judicial District Court
Parish of Iberia



Deputy Clerk of Court

Requested by:

MONIQUE BEVERLY FRANCIS

16TH JUDICIAL DIST. COURT

VS. NO.

PARISH OF IBERIA

BROOKSHIRE GROCERY COMPANY
D/B/A SUPER 1 FOODS, ET AL

STATE OF LOUISIANA

SERVICE COPY

PETITION FOR DAMAGES

The petition of MONIQUE BEVERLY FRANCIS, a person of the full age of majority, and resident of the Parish of St. Mary, State of Louisiana, respectfully represents that:

1.

This parish is one with proper jurisdiction, pursuant to La. Code Civ. Proc. art. 76.1 et seq., seeing that the loss occurred in this parish, the accident/incident took place in this parish, and the acts of negligence occurred in this parish.

2.

The following parties are made defendants herein, to-wit:

1. BROOKSHIRE GROCERY COMPANY, D/B/A SUPER 1 FOODS, a business corporation, authorized and doing business in the State of Louisiana; and
2. XYZ INSURANCE COMPANY, a foreign insurance company, authorized and doing business in the State of Louisiana.

3.

The defendants enumerated above are indebted unto petitioner jointly, severally and in solido for a sum that is reasonable under the circumstances, together with legal interest thereon from the date of judicial demand, until paid, and for all costs of these proceedings, for the following reasons, to-wit:

4.

On or about September 14, 2019, MONIQUE BEVERLY FRANCIS was at SUPER 1 FOODS #621, located in New Iberia, Louisiana, which is owned and operated by defendant, BROOKSHIRE GROCERY COMPANY.

5.

At the aforesaid time, MONIQUE BEVERLY FRANCIS was a patron shopping at the location stated above herein. During the time of said incident, while walking, petitioner slipped on water that was on the floor. The petitioner has suffered injuries to her back, neck and legs.

6.

The defendant, BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS, either created the dangerous condition and/or should have been aware of the dangerous condition.

Despite its actual or presumed knowledge, the defendant failed to take any corrective measures.

7.

The water on the floor created an unreasonable foreseeable risk of harm, created by the merchant by its placement of which they had actual or constructive knowledge and failed to exercise reasonable care. Furthermore, video footage was confirmed and verified of same as well as store employees confirmed the presence of the water.

8.

The incident sued upon herein was caused by the negligence of the defendant, BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS.

9.

The negligent acts of BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS, complained of herein include, but are not limited to, the following:

- A. Failing to properly maintain and keep the property clear of obstruction or substances that pose a danger;
- B. Failing to take corrective measures despite knowing of the potential danger;
- C. Failing to act reasonable and prudent under the circumstances;
- D. Failing to take adequate means or precautions to assure the safety of the petitioner;
- E. Allowing visitors to traverse the floor when it knew there existed an unreasonably dangerous hazard;
- F. Creating an unreasonable risk of harm to the petitioner;
- G. Failing to properly clear the walkway area or ensure it stayed clear of water/liquids;
- H. Failing to do what should have been done so as to avoid the accident;
- I. Failing to avoid water on the floor and/or to discover water on the floor; and
- J. Other acts of fault and/or negligence to be shown at a trial of this matter.

10.

As a result of the accident, MONIQUE BEVERLY FRANCIS has suffered serious injuries to her back, neck, legs, and other parts of her body. MONIQUE BEVERLY FRANCIS has sustained the following damages for which she is entitled to recover from defendant, BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS, to-wit:

- A) Past, present and future medical, hospital, and surgical expenses and other related expenses;
- B) Past, present and future physical pain and suffering, mental anguish and distress and inconvenience;
- C) Permanent impairment, disfigurement, scarring, disability, and loss of use;
- D) Past, present, and future wages and loss of education; and
- E) Other damages to be shown at a trial on this matter.

11.

Based on information and belief, defendant, BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS, at the time of the above described incident, were covered by a policy of

liability insurance issued by defendant, XYZ INSURANCE COMPANY whom, despite amicable demand has disputed and refused to pay the claim.

12.

Based on information and belief, said insurance policy covers the damages sued for herein.

13.

Plaintiff specifically avers that such failure to make such reasonable payments by defendant, XYZ INSURANCE COMPANY and/or BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS, constitutes bad faith claims handling under La. R.S. 22:1892 (formerly La. R.S. 22:658) and La. R.S. 22:1973 (formerly La. R.S. 22:1220) and specifically entitles plaintiff to an award of penalties, reasonable, attorney fees, costs, and mental anguish against defendants for such arbitrary and capricious behavior.

14.

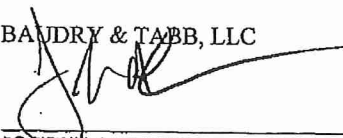
A demand, with supporting documents was presented, but despite same, more than sixty (60) days has passed without even a response.

WHEREFORE, petitioner prays that:

1. The defendants herein be served with certified copies of this petition and cited to appear and answer same;
2. After due proceedings, there be judgment herein in favor of petitioner, MONIQUE BEVERLY FRANCIS, and against the defendants, BROOKSHIRE GROCERY COMPANY, D/B/A SUPER 1 FOODS and XYZ INSURANCE COMPANY, jointly, severally and in solido, for a sum that is reasonable under the circumstances, together with legal interest thereon from the date of judicial demand, until paid, and for all costs of these proceedings;
3. Due to bad faith insurance practices, penalties, attorney fees, cost, and mental anguish should be awarded; and
4. All orders and decrees necessary and appropriate in the premises and for all general and equitable relief.

Respectfully submitted,

BAUDRY & TABB, LLC


JOSEPH A. TABB
Attorney for Petitioner
Bar Roll 31983
111 Wilson St.
P.O. Box 766
Franklin, LA 70538
Ph: (337) 828-0454

PLEASE SERVE:

BROOKSHIRE GROCERY COMPANY D/B/A SUPER 1 FOODS
Through It's Agent
C T CORPORATION SYSTEM
3867 PLAZA TOWER DRIVE
BATON ROUGE, LA 70816

Filed Aug 24 2020
Signed: Doral E. Ransom Dty. Clk.
A TRUE COPY

ATTEST: 
Dty: Clerk of Court
Iberia Parish, LA

MONIQUE BEVERLY FRANCIS

16TH JUDICIAL DIST. COURT

VS. NO.

PARISH OF IBERIA

BROOKSHIRE GROCERY COMPANY
D/B/A SUPER 1 FOODS, ET AL

STATE OF LOUISIANA

VERIFICATION

STATE OF LOUISIANA


PARISH OF ST. MARY


BEFORE ME, the undersigned authority, duly commissioned and qualified in and for the Parish and State aforesaid, personally came and appeared MONIQUE BEVERLY FRANCIS, individually, who being duly sworn deposed that:

She is the petitioner in this matter, and that all of the facts alleged in the foregoing Petition for Damages are true and correct to the best of her information, knowledge and belief.


MONIQUE B. FRANCIS

SWORN BEFORE ME ON THIS 16 DAY OF August, 2020, in Franklin,
St. Mary Parish, Louisiana.


JOSEPH A. TABB
BAR ROLL 31983
COMMISSION EXPIRES AT DEATH

Filed Aug. 24 2020
Signed: Doral Ransonet Dty. Clk.
A TRUE COPY
ATTEST: 
Dty: Clerk of Court
Iberia Parish, LA